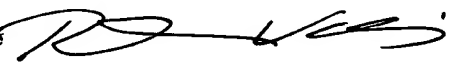





PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 040447-0238	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450".  On September 19, 2006  Signature   Typed or printed name <u>Ruthie Valleso</u>	Application Number 09/975,505	Filed 10/12/2001	
	First Named Inventor Takayuki ASAI		
	Art Unit 2143	Examiner England, David E.	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s).</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>26,257</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of 1 forms are submitted.</p>			

  
Signature

David A. Blumenthal  
Typed or Printed Name

(202) 672-5407  
Telephone Number

September 19, 2006  
Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Atty. Dkt. No. 040447-0238

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Takayuki ASAI  
Title: OBJECT FILTERING  
METHOD AND CLIENT  
DEVICE USING THE SAME  
Appl. No.: 09/975,505  
Filing Date: 10/12/2001  
Examiner: England, David E.  
Art Unit: 2143  
Confirmation No: 9792

<b>CERTIFICATE OF EXPRESS MAILING</b>	
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<u>EV 830404337 US</u>	<u>9-19-06</u>
(Express Mail Label Number)	(Date of Deposit)
<u>Ruthie Valleso</u>	
(Printed Name)	
<u>[Signature]</u>	
(Signature)	

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant requests a pre-appeal brief review of the rejections in this application.

**Brief Overview Of The Claims**

The application has three independent claims. Independent claim 1 provides a method for periodically monitoring a residual amount of memory capacity in a client during a session, and for notifying a filtering condition from the client to a proxy server in accordance with at least one of the monitoring results. The proxy server is then able to filter an object requested by the client from a server in accordance with the notified filtering condition. Independent claims 12 and 19 recite similar features.

**Issues For Which Review Is Requested**

**1. Rejection of Independent Claim 1 and its Dependent Claims**

Independent claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al. (U.S. Patent No. 6,438,576) (hereinafter Huang).

The Examiner points to col. 5, line 42 – col. 6, line 4 and col. 11, lines 15-55, of the Huang reference as disclosing, “periodically monitoring a residual amount of memory capacity in the client during said session to provide a plurality of monitoring results, said residual amount of memory capacity being an amount of unused memory capacity in the client that is free to accept data received by the client”. (Office Action; page 3) (Emphasis Added).

However, the cited portions of the Huang reference neither disclose nor suggest periodically monitoring a residual amount of memory capacity in a client during a session to provide a plurality of monitoring results. In the system of Huang, a client device is able to provide information about “device capabilities” of the client device to a proxy server along with an object request. (Huang; col. 5, line 42 – col. 6, line 4). Huang provides two examples of characteristics of a client device that may be stored at a proxy server, which are: (i) type of display; and (ii) size of graphics memory. (Huang; col. 5, lines 55-60). It is important to note that “type of display” does not provide information about a residual amount of memory capacity, and “size of graphics memory” does not provide information about a residual amount of memory capacity. (Huang; col. 11, lines 15-55). Moreover, there is no mention of periodically monitoring a residual amount of memory capacity in the cited portions of Huang. (Huang; col. 5, line 42 – col. 6, line 4; col. 11, lines 15-55).

Information about a “type of display” in the system of Huang refers to a number of bits of color encoding that can be displayed by a client device. (Huang; col. 11, lines 17-25). For example, a client device may only be able to display black-and-white images and, thus, display images with a 1-bit color encoding. (Huang; col. 11, lines 17-25). Such information about a “type of display” provides no information about a residual amount of memory capacity at the client device.

Information about a “size of graphics memory” in the system of Huang refers to a maximum image size that can be displayed by the client device. (Huang; col. 11, lines 17-25). For example, a client device may only be able to display an image size of up to 3M bytes. (Huang; col. 11, lines 17-25). Thus, such information is only concerned about a resolution of an image that can be displayed by a client device. (Huang; col. 1, lines 36-56).

Such information about a “size of graphics memory” provides no information about a residual amount of memory capacity at the client device, where the residual amount of memory capacity is an amount of unused memory capacity in the client that is free to accept data received by the client.

Applicant already recognized that, in related art systems, capability and preference information provided to a gateway may include information about display size, color support ability, and image support ability. (Applicant’s Specification; page 2, lines 4-7). However, applicant also recognized that, in such related art systems, objects are transmitted to a client irrespective of a variation of a residual amount of memory capacity in the client, which may lead to communication resources being wasted or unwanted data deletion. (Applicant’s Specification; page 2, line 22 – page 3, line 7). The system of Huang has the exact problems that embodiments of the present invention seek to address.

In the “Response to Arguments” section of the present Office Action, the Examiner stated that, “when reviewing a reference the applicants should remember that not only the specific teaching of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection.” (Office Action; page 13). However, it is not a reasonable inference that residual amount of memory capacity would be included in the “device capabilities” of Huang. This can be concluded from the discussion in Huang about (i) the types of client device characteristics included as device capabilities, and (ii) when the device capabilities of the client device in Huang can be determined.

First, the types of client device characteristics included as device capabilities in the system of Huang demonstrate that the device capabilities for a client device only refer to static information about the client device. The characteristics mentioned by Huang are “type of display” and “size of graphics memory”. (Huang; col. 5, lines 55-60). The “type of display” and “size of graphics memory” are static information that do not change over time and, thus, are not periodically monitored. In contrast, residual amount of memory capacity represents dynamic information that changes over time, and is different from the static information included as “device capabilities” in Huang.

Second, the time at which the device capabilities for a client device in Huang can be determined demonstrates that the device capabilities in Huang only include static information. Huang states that the characteristics of a client device can be stored in a table and that a proxy server can construct an RHI for the client device based on the information stored in the table. (Huang; col. 5, lines 52-55). Then, Huang states that, “[t]he table entry for a particular client device 130, 131 can be stored when the device first registers with the ISP”, and that, “[t]hereafter, the local proxy server receives an identifier of the client device when the client device makes a request, accesses the table, and constructs the appropriate RHI for inclusion with the object request.” (Huang; col. 5, lines 60-65) (Emphasis Added).

By stating that the table entry for a particular client device can be stored when the device first registers with the ISP, Huang is acknowledging that the device capabilities information for the client device is static and will not change with time, because the table entry is not updated based on dynamic information. Indeed, the table entry is then later accessed by using only an identifier of a requesting client device and the RHI is constructed based on the information in the table. (Huang; col. 5, lines 53-54).

Therefore, independent claim 1 is neither disclosed nor suggested by the Huang reference. With respect to dependent claims 2-11 that depend from independent claim 1, it is noted that the Britton, Gauvin, and Eerola references do not cure the deficiencies with respect to the teachings of Huang discussed above.

## **2. Rejection of Independent Claims 12 and 19 and their Dependent Claims**

Independent claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Ferguson (U.S. Patent No. 6,769,019).

The Examiner states that, “Ferguson teaches detecting that a residual amount of memory of said memory unit is equal to a predetermined residual amount or less said controller notifies to said proxy server a filtering condition for filtering the object (e.g. col. 10, line 61 – col. 11, line 50).” (Office Action; page 10) (Emphasis Added).

However, the system of Ferguson does not notify to a proxy server a filtering condition based on a residual amount of memory. As illustrated in Fig. 17 of Ferguson and explained at col. 11, lines 19-50 and col. 27, line 45 to col. 28, line 20 of Ferguson, the four options presented upon a "Cache Full" condition are: (i) auto-deletion of web pages; (ii) allow user to select which web pages to delete; (iii) change the capacity of the cache; and (iv) ignore the cache full message. Thus, none of the options presented upon a "Cache Full" condition in Ferguson allow for notifying to a proxy server a filtering condition.

As a result, a combined system of Huang and Ferguson would merely allow for a total size of graphics memory of a client device to be transmitted to a proxy for filtering objects as in Huang, and separately allow for "Cache Full" conditions of a local cache used for storing downloaded web pages to result in either web pages being deleted from a local cache or in a capacity of the local cache being changed as in Ferguson. (Huang; col. 5, lines 42-65) (Ferguson; Fig. 17; col. 11, lines 19-50). A "Cache Full" condition in a combined system of Huang and Ferguson would have no affect on a filtering condition, because Huang merely uses a total size of graphics memory for a filtering condition, and Ferguson does not notify a filtering condition to a proxy server based on a "Cache Full" condition.

Therefore, independent claims 12 and 19 are neither disclosed nor suggested by the Huang and Ferguson references. With respect to dependent claims 13-18 and 20-24, it is noted that the Britton, Gauvin, and Eerola references do not cure the deficiencies with respect to the teachings of Huang and Ferguson discussed above.

For these reasons it is respectfully requested that the rejections be withdrawn before proceeding to appeal briefing.

Respectfully submitted,

Date 9-19-06

By David A. Blumenthal

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